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101ST CONGRESS
2d Session

SENATE

REPORT
101-556

AUTHORIZING APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER

OCTOBER 25 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 2879]

The Committee on Environment and Public Works to which was referred the bill (S. 2879) to amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration and other services necessary for the John F. Kennedy Center for the Performing Arts and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill as amended do pass.

GENERAL STATEMENT

The John F. Kennedy Center Act, as amended in 1972, authorized the Secretary of the Interior, acting through the National Park Service, to provide services comparable to those provided at other monuments in the Washington area. The Act currently requires the Secretary of the Interior to provide certain services relating to non-performing arts functions. These are principally operation and maintenance services, including janitorial services, security, and health and safety. Subsequent amendments have authorized appropriations for roof and plaza repairs.

BACKGROUND

The Park Service and the Board of Trustees of the John F. Kennedy Center for the Performing Arts entered into an agreement in 1971 whereby the Park Service is obligated to pay 76.2. percent of the operating and maintenance costs of the Center and the Board is obligated to pay 23.8 percent. The agreement was based on the hours that the building was expected to be used for memorial and performing arts functions. In fiscal year 1990, $9,193,000 (including

S323-30

$4,000,000 in garage repairs) was appropriated to the National Park Service for operating and maintaining the Kennedy Center.

The Acting Regional Dirctor of the National Park Service has stated that the Kennedy Center is in need of extensive repair. The Chairman of the Board of Trustees of the Kennedy Center, James Wolfensohn, testified before the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation in May 1990, that the facility needed $30.5 million in immediate repairs to the stucture, garage, and mechanical systems. Both officials have stated that the building has reached its current deteriorated condition as a result of the lack of a clear mandate for responsiblity for completing capital repairs and alterations by any one party.

The repairs and long-term maintenance work center around four areas: garage repairs, water leakage, exterior marble expansion and contraction, and mechanical repairs.

In the 1,400 car underground garage, the concrete covering the reinforcing bars is not thick enough. Water, sometimes carrying highly corrosive salt from car tires in the winter, seeps down and runs along the reinforcing bar and results in weaking of the bar and cracking of the concrete. The deteriorating concrete poses a potential safety hazard unless repaired. To date, $4 million has been appropriated to begin garage repairs. An additional $12 million is required.

The Kennedy Center was not designed with adequate means to drain water. $4.5 million was appropriated to the National Park Service in 1977 to correct some drainage problems; however, water leaks remain today. The planters surrounding the terraces are a particular problem. Water damage can be seen by visitors to the Kennedy Center on the ceiling in the Grand Foyer.

The marble used on the exterior of the Kennedy Center is primarily Carrara Marble from Carrara, Italy. The marble was a gift of the Italian Government and was a popular building material in the 1960's. However, the thin marble does not respond well to drastic changes in climate, such as that experienced in typical Washington summers and winters. In the winter, the marble contracts, leaving gaps in the tile caulk through which water can penetrate. In the summer, it expands and squeezes the caulking out from between the tiles. In some areas, the expansion is so great that the tiles crack and break against each other and other surfaces, such as pillars. It has been recommended that more expansion joints be installed to supplement the two joints presently in the building. In addition, there are some exterior vertical surfaces along the roof where the marble panels are bowed and may need to be replace to prevent their falling off the building. This constitutes a potential safety hazard.

Finally, the original air handlers and chiller tubing in the air conditioning system are near the end of their expected life. Over the next several years, coils in the 60 air handlers will need to be replaced and the chilled water system repaired. In fiscal year 1991, there is authorized to be appropriated $2,644,000 to replace 10 to 12 air handlers and repair the chilled water system—maintenance that had been deferred. In fiscal year 1992, there is authorized to be appropriated $3 million under the annual maintenance, repairs

and alterations account to continue this project. It is anticipated that the replacement of the air handlers and repair of the chilled water system will cost $15 million over the next five years.

An additional problem faced in caring for the building is that current National Park Service operating funds do not provide for full staffing, utilities, services, security or cyclical maintenance. The Park Service has estimated that an additional $1.6 million is necessary on a recurring basis to provide adequate annual funding. S. 2879 reflects this needed increase in funds.

As noted above, no one agency or organization has been given responsibility for planning and funding long-term capital repairs and alterations to the Kennedy Center; thus these structural and mechanical repairs have never been addressed. S. 2879 directs the Secretary of the Interior, through the National Park Service, and the Kennedy Center Board of Trustees to enter into a new cooperative agreement setting out the additional responsibilities of each. Congress would continue to control federal funding through the authorization and appropriations process.

As a national memorial, the Federal Government has an interest in repairing and maintaining the Kennedy Center, which has a replacement value of approximately $700 million. The Kennedy Center Board does not have the financial resources to complete these urgent repairs. In order to protect the investment already made in the building, repair potentially dangerous structural problems, and to preserve a national memorial to President Kennedy, it is essential that $30.5 million in repair funds and adequate annual maintenance and operating funds be authorized and provided to the National Park Service.

HISTORY OF LEGISLATION

Senator Daniel Patrick Moynihan introduced S. 2879 on July 19, 1990. The bill was referred to the Committee on Environment and Public Works.

PURPOSES OF THE BILL

The bill amends section 6(e) of the John F. Kennedy Center Act to provide that the Secretary of the Interior, acting through the National Park Service, and the Board of Trustees of the Kennedy Center shall jointly provide for maintenance, capital repair, and alteration of the Kennedy Center and stipulates that they enter into a new cooperative agreement setting forth their respective responsibilities.

The Committee does not anticipate any change in the existing cost-sharing formula between the National Park Service and the Board of the Kennedy Center, nor is any change so authorized by S. 2879. The existing cooperative agreement between the Board of Trustees of the Kennedy Center and the Secretary of Interior need not be re-negotiated. An amendment to the agreement, reflecting the addition of responsibility for capital repair within the scope of the agreement, may simply be appended to the existing agreement.

The bill further amends section 6(e) to authorize appropriations to the Secretary of the Interior of $30,512,000 for deferred maintenance, repairs and alterations in fiscal years 1991 and 1992. The

bill also authorizes $6,750,000 for fiscal year 1991 and $9,850,000 in fiscal year 1992 for annual maintenance, repairs, alterations, and operating services.

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 6(e) of the Kennedy Center Act to provide in subsection 6(e)(1) that the Secretary of the Interior, acting through the National Park Service, and the Board of Trustees of the Kennedy Center shall provide for maintenance, repair and alteration of the building and security, information, interpretation, janitorial, and all other services necessary for operating the building.

New subsection 6(e)(2) requires the Secretary and the Board to enter into a cooperative agreement setting forth their respective responsibilities under paragraph (1).

Subsection 6(e)(3) authorizes appropriations to the Secretary of the Interior in the following amounts:

Fiscal year 1991:

(1) $6,750,000 for annual maintenance, repairs, alterations, and operating services; and

(2) $15,000,000 for deferred maintenance, repairs, and alterations.

Fiscal year 1992:

(1) $9,850,000 for annual maintenance, repairs, alternations, and operating services; and

(2) $15,512,000 for deferred maintenance, repairs, and alterations.

Section 2 repeals certain outdated provisions concerning construction and past authorizations.

Section 3 updates section 9(a) of the Act by striking references to "the Second Liberty Bond Act, as amended," and inserting "chapter 31 of title 31, United States Code," to conform the John F. Kennedy Center Act to the now codified title 31 of the United States Code.

HEARINGS

The Committee on Environment and Public Works held no hearings on this legislation.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report accompanying that legislation. During the committee's consideration of this measure, no rollcall votes were taken.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of the reported bill prepared by the Congressional Budget Office. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 25, 1990.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2879, a bill authorizing appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts, as ordered reported by the Senate Committee on Environment and Public Works on September 26, 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2879.
2. Bill title: None.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works on September 26, 1990.
4. Bill purpose: This bill amends the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Authorization level	22	25	.....	.....	.....
Estimated outlays	9	17	13	7	1

The cost of this bill falls in Function 500.

Basis of Estimate.—This bill authorizes the appropriation of $21.75 million for 1991 and $25.362 million for 1992 for various services for the John F. Kennedy Center for the Performing Arts. Estimated outlays assume full appropriation of the authorized amounts and continuation of current spending patterns.

6. Estimated cost to State and local government: None.
7. Estimate comparison: None.
8. Previous CBO estimate: CBO prepared a cost estimate for H.R. 5070, which also amended the John F. Kennedy Center Act, for the House Committee on Public Works and Transportation as ordered reported on June 28, 1990.
9. Estimate prepared by: Diane Celuch.
10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

EVALUATION OF REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has evaluated the regulatory impact of this legislation. No provisions explicitly require that new regulations be promulgated that would directly regulate individuals, consumers, or businesses or that would impact on the privacy of individuals.

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary in order to expedite the business of the Senate, to dispense with the requirements of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

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